IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

FIRST APPEAL NO. 612 OF 1991

The State of Maharashtra ... Appellant

Vs.

Shri. Alye Kathod Bhopi ... Respondents

Mr. K.K. Tated, A.G.P. for Appellant.

Mr. R.G. Ketkar for Respondent.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : AUGUST 30, 2004
P.C. :

1. This is State appeal against the Award of the Reference Court dated 20.5.1985 in respect of the land in village Kamothe. Notification under Section 4 was issued on 3.2.1970. The award was passed on 20.5.1985. The possession of land was given on 27.5.1986. The land Acquisition Officer has awarded the compensation at the rate of Rs.15/-
pert sq. mtr.

2. Considering the judgement passed in F.A. No. 757 of 2003 with Civil Application No. 514/03 and First Appeal No. 1782 of 2002 with Civil Application No. 1078 of 2004 the market value of the land could be fixed at the higher rate.

However, respondent have not challenged the award, there is no question of granting any further increase in the market value.

3. The claimant however, would be entitled to all consequential benefits including compensation under Section 23(1A) of the Act.

4. Appeal disposed of accordingly. No order as to costs.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)